IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.311 OF 2003

Bhanudas Pandurang Matkar .. Appellant.
Vs.
Dhondiba Rau Rajpure & Anr. .. Respondents.

Mr.R.A.Thorat for the appellant.
Mr.G.S.Godbole for the respondents.

CORAM : D.B.BHOSALE, J.
DATED : 5TH DECEMBER, 2006

P.C.:

. Heard learned counsel for the parties.

2. This appeal is directed against the concurrent findings recorded by the courts below holding that the appellant cannot claim exclusive title over gat no.111, that is, survey no.32 (for short "suit property") situated at village Kanur, Taluka Wai, District Satara. The appellant filed suit for declaration, permanent injunction and in the alternative for partition. The suit property was the ancestral property of Krishna Rajure and his brother Dondiba Rajure. The appellant purchased one half share of Krishna by registered sale deed dated 26th August, 1986 and claim that he was put in possession of the eastern half portion of the suit property. However, both the courts below have concurrently held that the appellant has failed to prove possession of

the suit property and that he was bonafide purchaser for the value without notice. It appears that in 1975 regular civil suit no.76 of 1975 was filed by Krishna, predecessor of the appellant against Dondiba and the compromise decree was passed on 14.7.1996. The final decree proceedings are still pending. It is against this backdrop Mr.Thorat, learned counsel for the appellant after arguing this appeal for sometime has fairly stated that the appellant shall be satisfied if he is allowed to intervene in the final decree proceedings arising from the compromise decree dated 14.7.1996. In the circumstances the appeal stands disposed of by the following order:

. It would be open for the appellant to intervene in the final decree proceedings pending before the concerned authority arising from the compromise decree dated 14.7.1976. If the appellant makes an application for intervention in Darkhast proceedings No.136 of 1977 within four weeks from the date of receipt of this order, same may be allowed by the executing authority. All contentions of the parties including right of the respondents to raise legitimate objections in the proceedings before the appropriate authority are kept open. With these observations the second appeal stands disposed of.

(D.B.Bhosale, J.)